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7 UTSTARCOM, INC., HONG LIANG LU,
8 YING WU, MICHAEL SOPHIE, THOMAS TOY,
and FRANCIS BARTON

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 PETER RUDOLPH, individually and on behalf) CASE NO.: 3:07-CV-04578-SI
of all others similarly situated,)
14 Plaintiff,) [PROPOSED] ORDER GRANTING
15 v.) DEFENDANTS' MOTION TO
16 UTSTARCOM, HONG LIANG LU, YING WU,) DISMISS PLAINTIFF'S SECOND
MICHAEL SOPHIE, THOMAS TOY, and) AMENDED CLASS ACTION
FRANCIS BARTON,) COMPLAINT
17 Defendants.) Date: August 1, 2008
18) Time: 9:00 a.m.
19 _____) Before: Hon. Susan Illston
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1 Defendant UTStarcom, Inc. ("UTSI" or the "Company") and Defendants Hong Liang Lu,
2 Ying Wu, Michael Sophie, Thomas Toy, and Francis Barton (the "Individual Defendants") have
3 moved this Court to dismiss the Second Amended Class Action Complaint, pursuant to the
4 Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, and Rule 12(b)(6) of
5 the Federal Rules of Civil Procedure.

6 The Court, having considered the briefs and other documents in support of and in
7 opposition to the motion, having heard the arguments of counsel, and being fully advised in this
8 matter finds as follows:

9 **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss Plaintiff's Second
10 Amended Class Action Complaint is GRANTED. The Amended Class Action Complaint is
11 dismissed in its entirety as to all Defendants.

12 **IT IS SO ORDERED.**

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14 Dated:

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The Honorable Susan Illston
United States District Judge

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